## UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

Civil Action No.: 3:05CV74

| CYNTHIA KEMPISTY        | )       |
|-------------------------|---------|
| d/b/a GAMES ROOMS TO GO | )       |
| d/b/a POOL TABLES PLUS, | )       |
| Plaintiff,              | )       |
| v.                      | ) ORDER |
| BRUNSWICK BOWLING and   | )       |
| BILLARDS CORPORATION,   | )       |
| Defendants.             | )<br>)  |

THIS CAUSE being heard by the undersigned on the motion of Defendant, Brunswick Bowling and Billiards Corporation, pursuant to Rule 41(a)(1) and (c) of the Federal Rules of Civil Procedure, for an order dismissing the counterclaims it has asserted against Plaintiff, Cynthia Kempisty d/b/a Games Rooms to Go d/b/a Pool Tables Plus, and on the consent of the Defendant to the Motion to Dismiss Complaint previously filed by Plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that "Defendant's Consent Motion to Dismiss Counterclaims" (Document No. 30) is **GRANTED** and that Plaintiff's previously filed "Motion for Voluntary Dismissal Without Prejudice" (Document No. 28) is also **GRANTED**. This matter is hereby therefore dismissed in its entirety.

Signed: March 15, 2007

David C. Keesler
United States Magistrate Judge